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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 DAVID ROTH,
13 Defendant.

Case No. CR20-216-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS
DATES

15 This matter comes before the Court on defendant's "Unopposed Motion to Continue Trial
16 and Pretrial Motions Dates." Dkt. # 17. Having considered the facts set forth in the motion, and
17 defendant's knowing and voluntary waiver, Dkt. # 18, the Court finds as follows:

18 1. The Court adopts the facts set forth in the unopposed motion: specifically, that the
19 defense is working with the government to reach an agreement on the terms of a protective order
20 of additional discovery, that the defense will need additional time to review this discovery and
21 conduct its own investigation, and that the allegations span multiple jurisdictions and defense
22 counsel needs additional time to address the out-of-district concerns. Dkt. # 17. The Court
23 accordingly finds that a failure to grant a continuance would deny counsel, and any potential
24 future counsel, the reasonable time necessary for effective preparation, taking into account the
25 exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

26 2. The Court finds that a failure to continue the trial date in this case would likely result in a
27 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

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1 3. The Court finds that the additional time requested between June 21, 2021 and the
2 proposed trial date of November 1, 2021, is a reasonable period of delay, as the defendant has
3 requested more time to prepare for trial, investigate the matter, gather evidence material to the
4 defense, and to consider possible defenses. The Court finds that this additional time is necessary
5 to provide defense counsel reasonable time to prepare for trial, considering counsel's schedule
6 and all of the facts set forth above.

7 4. The Court further finds that this continuance would serve the ends of justice, and that
8 these factors outweigh the best interests of the public and defendant in a speedier trial, within
9 the meaning of 18 U.S.C. § 3161(h)(7)(A).

10 5. Defendant has executed a waiver indicating that he has been advised of his right to a
11 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
12 that right and consented to the continuation of his trial to a date up to and including November
13 15, 2021, Dkt. # 18, which will permit his trial to start on November 1, 2021.

14 IT IS HEREBY ORDERED that the trial date shall be continued from June 21, 2021, to
15 November 1, 2021, and pretrial motions are to be filed no later than September 23, 2021.

IT IS FURTHER ORDERED that the period of time from the current trial date of June 21, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B)(i), (iv).

21 || IT IS SO ORDERED.

22 DATED this 17th day of May, 2021.

Mrs Lasnik
Robert S. Lasnik
United States District Judge